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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,906	02/10/2004	Takehiko Konja	MAT-8503US	1203
23122	7590	09/25/2007	EXAMINER	
RATNERPRESTIA			DABNEY, PHYLESHA LARVINIA	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			2614	
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			09/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/775,906

**Applicant(s)**

KONJA ET AL.

**Examiner**

Phylesha L. Dabney

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/7/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is in response to the Amendment filed on 4 June 2007 in which claims 1-10 are pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Minami et al (U.S. Patent No. 6,886,221).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1-4, Minami teaches an opening and closing device (fig. 2) comprising: a stator (17-31) having a stator cam; and a rotor (10-15) having a rotor cam urged to the stator cam by a spring (11, 28), and rotatable with respect to the stator; wherein the stator cam (17-31) includes: a flat stator portion (18, 19) and a projecting stator portion (18a, 20), the projecting

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stator portion including a first and second tilting portion (fig. 6b) extending from the flat stator portion to the first tilting portion, and a first inclined plane (fig. 6b) formed on a side wall of at least one of the first tilting portion and the flat stator portion; and wherein, the rotor cam (10-15) includes: a projecting rotor portion (13, 16); and a second inclined plane (figs. 5a-5d) formed on a side wall of the projecting rotor portion; and wherein, friction between the stator cam and the rotor cam is greater (a) when the first inclined plane and the second inclined plane are in contact with each other than (b) when the first inclined plane and the second inclined plane are not in contact with each other (figs. 5a-7b).

Regarding claims 5 and 8, Minami teaches the opening and closing device of claim 1 for use in electronic equipment, the electronic equipment comprising: a fix housing (33) having at least one of an operating part and a sound input part formed on a top face thereof; and a movable housing (34) having at least one of a display and a sound output part formed on a surface thereof; wherein the stator is attached to the fix housing; and the rotor is attached to the movable housing (col. 5 lines 20-30).

Regarding claims 7 and 9-10, Minami teaches electronic equipment having an opening and closing device, the electronic equipment comprising: a fixing housing (33) having at least one of an operating part and a sound input part formed on a top face thereof; a movable housing (34) having at least one of a display and a sound output part formed on a surface thereof; and the opening and closing device comprising: a stator (17-31) having a stator cam; a rotor (10-15) having a rotor cam urged to the stator cam by a spring (11, 28), and rotatable with respect to the

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stator; wherein the stator cam includes: a flat stator portion (18, 19) and a projecting stator portion (18a, 20), the projecting stator portion including a first and second tilting portion (fig. 6b) extending from the flat stator portion to the first tilting portion, and a first inclined plane (fig. 6b) formed on a side wall of at least one of the first tilting portion and the flat stator portion; and wherein, the rotor cam (10-15) includes: a projecting rotor portion (13, 16); and a second inclined plane (figs. 5a-5d) formed on a side wall of the projecting rotor portion; and wherein, friction between the stator cam and the rotor cam is greater (a) when the first inclined plane and the second inclined plane are in contact with each other than (b) when the first inclined plane and the second inclined plane are not in contact with each other (figs. 5a-7b).

Regarding claim 11, Minami teaches the opening and closing device of claim 1, wherein the rotor cam (10-15) further includes a flat portion formed on a side of the rotor, wherein the projecting portion (18a, 20) of the stator cam further includes a projecting top portion, a third and fourth tilting portion (figs. 5a-5d; 15a, 15b), the third tilting portion and the fourth tilting portion extend from the projecting top portion, at least one of the third tilting portion and the fourth tilting portion without involving the projecting top portion and the flat portion has the second inclined plane (fig. 6b), and the flat portion (18, 19) is connected to the fourth tilting portion, and wherein the first inclined plane is formed on a side wall of the projecting top portion of the stator cam; and the first inclined plane formed on the side wall of the projecting top portion of the stator cam contacts the second inclined plain formed on at least one of the third tilting portion and the fourth tilting portion without involving the projecting top portion and the flat portion of the rotor.

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494.

The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P O Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

**Hand-delivered responses should be brought to:**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

-Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 14, 2007

PLD

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
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